


The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically at the time and date indicated, which may be materially different from its entry on the record.



Russ Kendig
United States Bankruptcy Judge

Dated: 02:10 PM June 30, 2020

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:

MARILYN SUE METCALFE

Debtor.

Case No. 20-60546-RKK

Chapter 7

Judge Russ Kendig

ORDER GRANTING OBJECTION TO CLAIMED EXEMPTION

Before the Court is the Objection to the Claimed Exemption filed by the duly appointed Chapter 7 Trustee. Based upon the record in this case, and the representations contained in the Objection, the Court hereby FINDS AND DETERMINES THAT:

1. The Court has jurisdiction over the Debtor's case and this matter pursuant to 28 U.S.C. § 1334. Venue is proper in the court pursuant to 28 U.S.C. § 1408 and § 1409, and this is a core proceeding pursuant to 28 U.S.C. § 157(b).

2. The Debtor listed her life insurance policies as follows on Schedule A/B and indicated that her husband was the beneficiary:

a. Ultimate IV, with a scheduled value of \$7,941.58 (the Ultimate IV Policy); and

- b. Washington National Ins. Co. with a scheduled value of \$0.00 (the “Washington National Policy” and together with the Ultimate IV Policy, the “Policies”).
3. On her Schedule C, the Debtor claimed an exemption of \$7,941.58 under O.R.C. § 2329.66(A)(e)(6) and O.R.C. § 3923.19 in the Ultimate IV Policy. No exemptions were claimed in the Washington National Policy.
4. The Debtor’s husband predeceased the Debtor; therefore, he cannot be the beneficiary of the Policies.

ACCORDINGLY, for the reasons stated herein, Debtor’s claimed exemption in the Ultimate IV Policy is hereby denied.

#

Prepared by:

Anthony J. DeGirolamo (0059265)
3930 Fulton Drive NW, Suite 100B
Canton, Ohio 44718
Telephone: 330-305-9700
Facsimile: 330-305-9713
E-mail: ajdlaw@sbcglobal.net

CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that on _____, 2020, a copy of the foregoing Order was electronically transmitted via the Court's CM/ECF system to those listed on the Court's Electronic Mail Notice list:

- Anthony J. DeGirolamo, Trustee - Mansfield ajdlaw@sbcglobal.net,
ad@trustesolutions.com;amber_weaver@sbcglobal.net;AD07@trustesolutions.net
- Deborah L. Mack Debbie@Ohiofinancial.Lawyer,
R57238@notify.bestcase.com;paralegal@ohiofinancial.lawyer
- United States Trustee (Registered address)@usdoj.gov

Deputy Clerk

The undersigned hereby certifies that a copy of the foregoing Order was served via regular U.S. Mail, postage prepaid, upon those listed below, this _____ day of _____, 2020.

Deputy Clerk

Marilyn S. Metcalfe
335 Westlawn Drive
Ontario, Ohio 44906